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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,525	03/14/2006	Jurgen Schulz-Harder	A-9806	6395
20741	7590	09/21/2010		
Welsh Flaxman & Gitler 2000 Duke Street, Suite 100 Alexandria, VA 22314			EXAMINER CAZAN, LIVIUS RADU	
			ART UNIT 3729	PAPER NUMBER
			MAIL DATE 09/21/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/560,525

Applicant(s)

SCHULZ-HARDER ET AL.

Examiner

LIVIOUS R. CAZAN

Art Unit

3729

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30-45, 49 and 51 is/are pending in the application.
- 4a) Of the above claim(s) 30, 33, 35, 40 and 49 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31, 32, 34, 36-39, 41, 42, 45 and 51 is/are rejected.
- 7) ☒ Claim(s) 43 and 44 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/1/2010 has been entered.

Claim Objections

2. Claims 43 and 44 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. In particular, claims 43 and 44 depend from cancelled claim 50.

3. Claims 31, 32, 34, 36-39, 41, 42, 45, and 51 are objected to because of the following informalities: in claim 51, line 9, the phrase "separating or break of lines" is utilized; in line 15, the phrase "break line" is used; in claim 34, line 1, the phrase "break-off line" is used; Applicant is respectfully asked to pick a single term to refer to the disclosed break-off lines, so that the claim language is consistent (see for example the last line of the abstract). Preferably, "separating or break of" would be replaced with --break-off--, and "break line" would be replaced with --break-off line--.

Claim Rejections - 35 USC § 103

4. Claims 31, 32, 34, 36-39, 42, 45, and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Kondratenko (US5609284), Schulz-Harder '221 (US6207221) and Schulz-Harder '592 (US6638592).

5. Kondratenko discloses a method in which a ceramic layer (1; see col. 11, Ins. 39-42) is progressively heated, in a thermal treatment process, in order to produce separating or break-off lines (4), wherein the heating of the ceramic layer during the thermal treatment or process step takes place without vaporization or burning off the ceramic material in a treatment area (2) that moves in relation to the ceramic layer, and, after the heating process, the ceramic is progressively shock-cooled so that a controlled fracture or weakening of material is effected in the ceramic layer in order to produce the separating or break-off line (4). See col. 3, Ins. 41-53 and first 7 lines of the abstract. The heating of the ceramic layer during the thermal treatment or process step is effected by means of a laser beam (2; see col. 5, Ins. 49-67) focused in order to form an oval focus (see 2 in Figs. 1 and 4), with its greater cross-section axis oriented in the processing direction. A break-off line (4) is produced in the ceramic layer by means of the thermal treatment or process step, enabling subsequent controlled mechanical breaking of the ceramic layer. The cooling of the ceramic layer is effected with a fluid coolant stream (3; see col. 6, Ins. 5-18) progressively and point by point at a pre-defined spatial and temporal distance from the heating. The thermal treatment is effected along a groove (4) produced on at least one surface side of the ceramic layer.

6. However, Kondratenko does not disclose applying this technique to a ceramic layer having a thickness between 0.1 and 3 mm and to which a metallization forming a

plurality of individual metal areas has been applied on at least one surface, the individual metal areas being at a distance from one another, whereby the separating or break of lines is produced between the metal areas so as to separate the substrate into multiple substrates, the metal areas having a thickness between 0.02 and 0.6 mm, and being at a distance between 0.1-3 mm from each other and at 0.05 - 1.5 mm from a break line, the ceramic layer being selected from the mullite group, Al_2O_3 , AlN , Si_3N_4 , SiC , BeO , TiO_2 , ZrO_2 , or Al_2O_3 with a ZrO_2 content.

7. Schulz-Harder '221 discloses (see Figs. 1-3) a metal-ceramic substrate having an AlN (col. 2, Ins. 1-3) ceramic layer (2a) with a thickness of 0.2 to 2 mm (see col. 2, Ins. 1-6 and 21-25) having individual metal areas 3 with a thickness of 0.1 to 6 mm (see col. 2, Ins. 21-29). Individual substrates are produced by breaking the larger substrate into individual substrates along scored lines (8). The metal areas are applied by direct copper bonding (col. 2, Ins. 21-25).

8. Schulz-Harder '592 discloses (see Figs. 1-3) a metal-ceramic substrate having an AlN (col. 2, Ins. 59-62) ceramic layer (2) having individual metal areas 3, 4 with a thickness of 0.15 to 1.0 mm (see col. 4, Ins. 22 and 23). Individual substrates are produced by breaking the larger substrate into individual substrates along scored lines (7, 8). The metal areas are applied by direct copper bonding (ln. 65 in col. 2 to ln. 1 in col. 3), are at a distance 0.05 to 1 mm from a break line (see col. 4, Ins. 25 and 26; see dimension d1 in Fig. 3), and, therefore, at a distance of 0.1 to 2 mm from each other (i.e. $2 \times d1$).

9. At the time the invention was made, it would have been obvious to one of skill in the art to utilize the method of Kondratenko to separate a larger substrate such as the claimed substrate and that of Schulz-Harder '221 and '592 into individual substrates, since the process of Kondratenko provides an alternative method of producing separating lines for separating a large substrate into smaller substrates. One of ordinary skill in the art would have been motivated to do so for the advantages the technique of Kondratenko provides over the conventional methods, such as, for example, increased cutting speed. See col. 5, lns. 20-23 in Kondratenko. Note that in applying the method of Kondratenko to a substrate as claimed, the laser would heat only the ceramic layer in the area in between metal areas, along the break lines, not in other areas where a break is not intended to occur.

10. Additionally, regarding the particular dimensions claimed, attention is directed to paragraphs [0030] and [0031] of the specification. It is readily apparent from these paragraphs that the claimed dimensions are merely exemplary. The disclosure does not reveal any criticality to the claimed metal and substrate thickness, or the spacing between metal areas. The substrate and metal thicknesses discussed in these paragraphs are mere examples, not specific dimensions absolutely necessary for a proper functioning of the invention. From the two Schulz-Harder references, it is readily apparent that the claimed metallization thickness, the claimed substrate thickness, the claimed spacing between metal areas, and the claimed distance between a metal area and a break line are all conventional in the art. Therefore, at the time the invention was made, one of ordinary skill in the art would have found it obvious to apply the method of

Kondratenko to a metal-ceramic substrate having the claimed dimensions, because there is nothing critical about the claimed dimensions. Kondratenko is applicable to various non-metallic bodies, and picking a substrate to which to apply this technique would require only routine skill in the art.

11. Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kondratenko, Schulz-Harder '221, and Schulz-Harder '592, in view of AAPA (Applicant's admitted prior art).

12. Kondratenko and the two Schulz-Harder references disclose substantially the claimed invention, as discussed above, except for the ceramic layer being located on a self-adhesive foil for separation into single substrates.

13. In the Office Action mailed on 6/3/2009, the Examiner took Official Notice of the fact that it is very well known in to use an adhesive foil, such as blue foil, to hold a substrate which is to be separated into individual smaller substrates, and argued it would have been obvious to one of ordinary skill in the art to utilize such a tape with the ceramic layer of Kondratenko and Schulz-Harder, in order to facilitate the separation of the ceramic layer into individual substrates, as in the conventional art.

14. Since Applicant failed to traverse the examiner's assertion of Official Notice, it was taken to be admitted prior art, in the Office Action mailed on 3/1/2010, and is relied upon as such in the present Action. It is deemed it would have been obvious to one of ordinary skill in the art at the time the invention was made, to utilize a foil as claimed with the substrate of Kondratenko, Schulz-Harder '221, and Schulz-Harder '591, for the

same reasons mentioned above and stated in the Office Action mailed on 6/3/2009. See MPEP 2144.03(C), second paragraph.

Response to Arguments

15. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LIVIUS R. CAZAN whose telephone number is (571)272-8032. The examiner can normally be reached on M-F 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DERRIS H. BANKS can be reached on (571) 272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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